

Notice of Allowability

Application No.

10/632,213

Applicant(s)

REIMERS, JAY

Examiner

Art Unit

Virginia Manoharan

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed on June 7, 2007.
2. ☒ The allowed claim(s) is/are 1, 3-10, 12-16 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

VIRGINIA MANOHARAN

PRIMARY EXAMINEE

ART UNIT 135-1764

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claims 17-20 have been cancelled as being drawn to non-elected invention.

Claims 1, 3-10, 12-16 and 21 are allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA MANCHAITA
PRIMARY EXAMINER
ART UNIT ~~133~~ 1764

REASONS FOR ALLOWANCE:

The following is an examiner's statement of reasons for allowance:

Applicants' following arguments, presented for the first time in the Appeal Brief, have been fully considered and they are persuasive.

"Appellants submit that Williams has no relevance to the pending claims or cited art and does not supply a feature missing from the primary references. There is no motivation in either Williams or the primary references, such as a suggestion **to use such heating apparatus for the devolatilization of polymers**.....The hot oil heat transfer system of Williams is connected to the preheater by conventional supply lines and fittings.....There is no teaching or suggestion in Williams to introduce a heat transfer fluid into a supply tube (within a plate heat exchanger), passing the heat transfer fluid (e.g., the same fluid) from the supply tube to the return tube and withdrawing the heat transfer fluid from the return tube, as recited in the pending claims. **In fact, Williams teaches the opposite. In particular, Williams teaches passing the liquid reactant through a single, straight through channel in the preheater for contact with the heat transfer fluid.**" . (Emphasis added).

[The final rejection cited Williams as suggesting the process of "introducing a heat transfer fluid into the tube; passing the heat transfer fluid from the tube to the return tube].

The heating apparatus of Duran does not also "teach, show or suggest introducing a heat transfer fluid into the supply tube (within a plate heat exchanger), passing the heat

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transfer fluid (e.g., the same fluid) from the supply tube to the return tube and withdrawing the heat transfer fluid from the return tube, as recited in the pending claims”.

“As taught by the specification, prior art plate heat exchangers have not utilized nested tubes. See, specification at paragraph 15”.

The rejection of claims 7-8 under 35 U.S.C. §112, SECOND PARAGRAPH has also been addressed in the Appeal Brief and is persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication should be directed to Virginia Manoharan at telephone number 571-272-1450.


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 1281764